

laws were repealed; under Mary they were renewed. In the first Parliament of Elizabeth they were repealed again, except the statute of 1400, which was repealed in 1676, when Charles II wanted toleration for Roman Catholics. Then the ecclesiastical courts were restricted to ecclesiastical penalties.¹ Torture was never legal in England. The use of it was pushed to the greatest extreme when Clement V and Philip the Fair were seeking evidence against the templars. Then the pope wrote a fatherly letter of exhortation to Edward of England, because of the lack of this engine in his dominions.² Cases of torture no doubt occurred. The star chamber had an inquisitorial process in which the rack seems to have been used. Barbaro, a Venetian ambassador in the sixteenth century, reported the non-use of torture as an interesting fact in English mores. He says the English think that it often forces untrue confession, that it "spoils the body and an innocent life; thinking, moreover, that it is better to release a criminal than to punish an innocent man."³ From the thirteenth century it was forbidden to keep a prisoner in chains. In other countries this was the rule, and ingenuity was expended to fasten the prisoner in a most uncomfortable position.⁴ The last case of the rack in the star chamber was that of Peacham, in 1614.⁵ The last execution for heresy in the British Islands was that of a medical student at Edinburgh, eighteen years of age, named Aikenhead, in 1696.⁶ The greatest cruelty in England was "pressing" prisoners to compel them to plead because, if they did not plead, the trial could not go on.

It follows that the repressive system of the mediaeval church did not produce effects on the mores in England.

266. The Spanish Inquisition. The Spanish Inquisition is an offshoot and development of that of the mediaeval church. The latter was started in Aragon and Navarre in 1238. In the latter half of the fourteenth century Eymerich (author of the *Directorium Inquisitorum*) conducted an inquisition in Aragon against Jews and Moors. In Castile, in 1400, an inquisition was in activity.⁸ None of these efforts produced a permanent establishment. In the reign of Isabella, Cardinal Mendoza organized the Inquisition as a state institution to establish the throne.⁹ The king named the inquisitors, who need not be ecclesiastics. The confiscated property of "heretics" fell to the state. Ecclesiastics were subject to the tribunal. The church long

withheld approval
 from this inquisition, because it was political in origin and
 purpose, and was
 created outside the church organization and without church
 authorization.
 The populace also opposed it. This union of church and
 populace forced
 the grandees to support it.¹⁰ The punishments "implied
 confiscation of

¹ Lea, *Inquis.*, I, 352.

² *Ibid.*, III, 300; Schotmuller, *Untergang der Templer*, I, 388.

⁸ *Venetian Ambass.*, I, n, 233. ⁷ Hansen, *Zauberwahn*, etc.,
 338.

« Lea, *Inqms.*, I, 488. « *Ibid.*, 338.

⁵ Inderwick, *The King's Peace*, 172. ⁹ Lea, *Inquis. in Spain*,
 158.

⁶ Lea, *Inquis.*, I, 352.
Inqms. > 42.

¹⁰ Heyer, *Priesterschaft und*